



General Assembly

**Amendment**

February Session, 2004

LCO No. 4841

\*HB0502504841HD0\*

Offered by:

REP. O'ROURKE, 32<sup>nd</sup> Dist.

SEN. DEFRONZO, 6<sup>th</sup> Dist.

To: Subst. House Bill No. 5025

File No. 660

Cal. No. 276

**"AN ACT STRENGTHENING ETHICS LAWS CONCERNING GIFTS,  
FINANCIAL DISCLOSURE AND STATE CONTRACTORS."**

1 Strike section 2 in its entirety and renumber the remaining sections  
2 and internal references accordingly

3 Strike section 3 in its entirety and substitute the following in lieu  
4 thereof:

5 "Sec. 3. (NEW) (*Effective from passage*) As used in sections 3 to 5,  
6 inclusive, of this act:

7 (1) "Gift" has the same meaning as provided in section 1-79 of the  
8 general statutes, except that the exclusion in subdivision (12) of  
9 subsection (e) of said section 1-79 for a gift for the celebration of a  
10 major life event shall not apply;

11 (2) "Quasi-public agency", "public official" and "state employee"  
12 have the same meanings as provided in section 1-79 of the general  
13 statutes;

14 (3) "State agency" means any office, department, board, council,  
15 commission, institution or other agency in the executive, legislative or  
16 judicial branch of state government;

17 (4) "Large state contract" means an agreement or a combination or  
18 series of agreements between a state agency or a quasi-public agency  
19 and a person, firm or corporation, having a total cost of more than five  
20 hundred thousand dollars in a calendar or fiscal year, for (A) a project  
21 for the construction, alteration or repair of any public building or  
22 public work, (B) services, including, but not limited to, consulting and  
23 professional services, (C) the procurement of supplies, materials or  
24 equipment, (D) a lease, or (E) a licensing arrangement. The term "large  
25 state contract" shall not include a contract between a state agency or a  
26 quasi-public agency and a political subdivision of the state;

27 (5) "Principals and key personnel" means officers, directors,  
28 shareholders, members, partners and managerial employees; and

29 (6) "Participated substantially" has the same meaning as provided in  
30 regulations adopted by the State Ethics Commission pursuant to  
31 section 1-92 of the general statutes.

32 Sec. 4. (NEW) (*Effective from passage*) (a) Between July 1, 2004, and  
33 June 30, 2006, no state agency or quasi-public agency shall execute a  
34 large state contract unless the state agency or quasi-public agency  
35 obtains:

36 (1) An affidavit from each person, firm or corporation submitting a  
37 bid or proposal for such contract. Each such affidavit shall be  
38 submitted with the bid or proposal and shall be signed by the official  
39 of the person, firm or corporation that submits such bid or proposal.  
40 Such affidavit shall attest to whether or not (A) such person, firm,  
41 corporation, (B) any principals and key personnel of the person, firm  
42 or corporation, who participated substantially in preparing the bid or  
43 proposal, or (C) any agent of such person, firm, corporation or  
44 principals and key personnel, who participated substantially in  
45 preparing the bid or proposal, provided a gift during the two-year

46 period preceding the submission of such bid or proposal, to (i) any  
47 public official or state employee of the state agency or quasi-public  
48 agency soliciting bids or proposals for the contract, or (ii) any public  
49 official or state employee of any other state agency having supervisory  
50 or appointing authority over such state agency or quasi-public agency,  
51 which public official or state employee participated substantially in the  
52 preparation of the bid solicitation or request for proposals for the  
53 contract. The affidavit shall also attest that no such principals and key  
54 personnel of the person, firm or corporation or agent of such person,  
55 firm, corporation or principals and key personnel knows of any action  
56 by the person, firm or corporation to circumvent the requirements of  
57 this subdivision by providing for any other principals and key  
58 personnel, official, employee or agent of the person, firm or  
59 corporation to provide a gift to any such public official or state  
60 employee. If any gift described in this subdivision was provided, the  
61 affidavit shall include the name of the recipient, a description of the  
62 gift and the value and approximate date of the gift; and

63 (2) An affidavit from the person, firm or corporation awarded the  
64 contract, at the time the contract is executed, and signed by the official  
65 of the person, firm or corporation executing the contract. The affidavit  
66 shall attest to whether or not gifts described in subdivision (1) of this  
67 subsection were provided between the date of the affidavit under  
68 subdivision (1) of this subsection and the date of execution of the  
69 contract to public officials or state employees, who participated  
70 substantially in the negotiation or award of the contract. If any such  
71 gift was provided, the affidavit shall include the name of the recipient,  
72 a description of the gift and the value and approximate date of the gift.

73 (b) Each affidavit required under subsection (a) of this section shall  
74 be sworn as true to the best knowledge and belief of the person signing  
75 the affidavit, subject to the penalties of false statement.

76 (c) No municipal official or employee shall be required to submit an  
77 affidavit under subsection (a) of this section.

78 (d) Notwithstanding the provisions of subsection (a) of this section,  
79 a person, firm or corporation seeking a large state contract between  
80 July 1, 2004, and June 30, 2006, which submits a gift affidavit in  
81 accordance with the policy adopted by the Attorney General on  
82 January 8, 2004, shall be deemed to comply with the requirements of  
83 subsection (a) of this section.

84 Sec. 5. (NEW) (*Effective from passage*) (a) On and after July 1, 2006, no  
85 state agency or quasi-public agency shall execute a large state contract  
86 unless the state agency or quasi-public agency obtains the written  
87 certifications described in this section. Each such certification shall be  
88 sworn as true to the best knowledge and belief of the person signing  
89 the certification, subject to the penalties of false statement.

90 (b) The official or employee of such state agency or quasi-public  
91 agency who is authorized to execute said contract shall certify that the  
92 selection of the most qualified person, firm or corporation was not the  
93 result of collusion, the giving of a gift or the promise of a gift,  
94 compensation, fraud or inappropriate influence from any person.

95 (c) The official of the person, firm or corporation awarded the  
96 contract, who is authorized to execute the contract, shall certify:

97 (1) That no gifts were made between the date that the state agency  
98 or quasi-public agency began planning the project, services,  
99 procurement, lease or licensing arrangement covered by the contract  
100 and the date of execution of the contract, by (A) such person, firm,  
101 corporation, (B) any principals and key personnel of the person, firm  
102 or corporation, who participated substantially in preparing the bid or  
103 proposal, or (C) any agent of such person, firm, corporation or  
104 principals and key personnel, who participated substantially in  
105 preparing the bid or proposal, to (i) any public official or state  
106 employee of the state agency or quasi-public agency soliciting bids or  
107 proposals for the contract, or (ii) any public official or state employee  
108 of any other state agency having supervisory or appointing authority  
109 over such state agency or quasi-public agency, which public official or

110 state employee participated substantially in the preparation of the bid  
111 solicitation or request for proposals for the contract;

112 (2) That no such principals and key personnel of the person, firm or  
113 corporation, or agent of such person, firm or corporation or principals  
114 and key personnel, knows of any action by the person, firm or  
115 corporation to circumvent such prohibition on gifts by providing for  
116 any other principals and key personnel, official, employee or agent of  
117 the person, firm or corporation to provide a gift to any such public  
118 official or state employee; and

119 (3) That the person, firm or corporation made the bid or proposal  
120 without fraud or collusion with any person.

121 (d) Any person, firm or corporation that does not make the  
122 certifications required under subsection (c) of this section shall be  
123 deemed to have refused to accept the contract award, and the state  
124 agency or quasi-public agency shall award the contract to the next  
125 most qualified bidder or proposer.

126 (e) Each state agency and quasi-public agency shall include in the  
127 bid specifications or request for proposals for a large state contract (1)  
128 the date that the state agency or quasi-public agency began planning  
129 the project, services, procurement, lease or licensing arrangement to be  
130 covered by the contract, and (2) a notice of the certification  
131 requirements of subsections (c) and (d) of this section.

132 Sec. 6. Subsection (m) of section 1-84 of the general statutes, as  
133 amended by section 146 of public act 03-6 of the June 30 special  
134 session, is repealed and the following is substituted in lieu thereof  
135 (*Effective from passage*):

136 (m) No public official or state employee shall knowingly accept,  
137 directly or indirectly, any gift, as defined in subsection (e) of section 1-  
138 79, from any person the official or employee knows or has reason to  
139 know: (1) Is doing business with or seeking to do business with the  
140 department or agency in which the official or employee is employed or

141 (2) is engaged in activities which are directly regulated by such  
142 department or agency. No person shall knowingly give, directly or  
143 indirectly, any gift or gifts in violation of this provision. For the  
144 purposes of this subsection, the exclusion to the term "gift" in  
145 subdivision (12) of subsection (e) of section 1-79 for a gift for the  
146 celebration of a major life event shall not apply.

147 Sec. 7. Subsection (m) of section 1-84 of the general statutes, as  
148 amended by section 5 of public act 03-215, is repealed and the  
149 following is substituted in lieu thereof (*Effective October 1, 2004*):

150 (m) No public official or state employee shall knowingly accept,  
151 directly or indirectly, any gift, as defined in subsection (e) of section 1-  
152 79, from any person the official or employee knows or has reason to  
153 know: (1) Is doing business with or seeking to do business with the  
154 department or agency in which the official or employee is employed;  
155 (2) is engaged in activities which are directly regulated by such  
156 department or agency; or (3) is prequalified under section 4a-101. No  
157 person shall knowingly give, directly or indirectly, any gift or gifts in  
158 violation of this provision. For the purposes of this subsection, the  
159 exclusion to the term "gift" in subdivision (12) of subsection (e) of  
160 section 1-79 for a gift for the celebration of a major life event shall not  
161 apply.

162 Sec. 8. (NEW) (*Effective from passage*) The State Ethics Commission  
163 shall develop a plain language summary of state ethics laws  
164 concerning (1) persons, firms and corporations submitting bids or  
165 proposals for state contracts, and (2) state contractors. The commission  
166 shall publish said summary on the commission's web site."